

CIVIL ACTION COURT OF COMMON PLEAS, CUYAHOGA COUNTY JUSTICE CENTER  
CLEVELAND, OHIO 44113

CASE NO.  
CV11766556

D1 CM

SUMMONS NO.  
18316071

Rule 4 (B) Ohio

Rules of Civil  
Procedure

SUMMONS

JAMES COLLIER ET AL  
VS  
NVR MORTGAGE FINANCE INC. ET AL

PLAINTIFF  
DEFENDANT

NVR MORTGAGE FINANCE INC  
C/O CSC LAWYERS INC SERVICE - S/A  
50 W. BROAD STREET STE 1800  
COLUMBUS OH 43215-0000

You have been named defendant in a complaint (copy attached hereto) filed in Cuyahoga County Court of Common Pleas, Cuyahoga County Justice Center, Cleveland, Ohio 44113, by the plaintiff named herein.

You are hereby summoned and required to answer the complaint within 28 days after service of this summons upon you, exclusive of the day of service.

Said answer is required to be served on:

Plaintiff's Attorney

SCOTT D. PERLMUTER  
SKYLIGHT OFFICE TOWER  
1660 WEST 2ND ST., SUITE 950  
CLEVELAND, OH 44113-0000

Said answer is required to be served on Plaintiff's Attorney (Address denoted by arrow at left.)

Your answer must also be filed with the court within 3 days after service of said answer on plaintiff's attorney.

If you fail to do so, judgment by default will be rendered against you for the relief demanded in the complaint.

Case has been assigned to Judge:

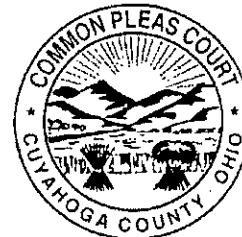
PETER J CORRIGAN  
Do not contact judge. Judge's name is given for attorney's reference only.

DATE  
Oct 18, 2011

GERALD E. PUERST  
Clerk of the Court of Common Pleas

By

Deputy



COMPLAINT FILED 10/12/2011



IN THE COURT OF COMMON PLEAS  
CUYAHOGA COUNTY, OHIO

JAMES COLLIER  
6288 Whitetail Run  
Oakwood, Ohio 44146

and

VANESSA COLLIER  
6288 Whitetail Run  
Oakwood, Ohio 44146

and

ROBERT POTTS  
6282 Whitetail Run  
Oakwood, Ohio 44145

and

MARY POTTS  
6282 Whitetail Run  
Oakwood, Ohio 44145

Plaintiffs,

v.

NVR MORTGAGE FINANCE, INC.  
c/o Statutory Agent CSC-Lawyers  
Incorporating Service  
50 W. Broad Street, Suite 1800  
Columbus, Ohio 43215

and

NVR, INC. d/b/a RYAN HOMES  
c/o Statutory Agent CSC-Lawyers  
Incorporating Service  
50 W. Broad Street, Suite 1800  
Columbus, Ohio 43215

Defendants.

) CASE NO.

) JUDGE

) COMPLAINT

) (Jury Demand Endorsed Hereon)

Plaintiffs James and Vanessa Collier and Robert and Mary Potts state for their Complaint against Defendant as follows:

1. At all times relevant, Plaintiffs James and Vanessa Collier were a married couple, who purchased a home at 6288 Whitetail Run in Oakwood, Ohio, within Cuyahoga County on or about October 17, 2011.

2. At all times relevant, Plaintiffs Robert and Mary Potts were a married couple, who purchased a home at 6282 Whitetail Run in Oakwood, Ohio, within Cuyahoga County on or about October 18, 2011.

3. At all times relevant, Defendants NVR Mortgage Finance, Inc. and NVR, Inc. dba Ryan Homes were corporate entities, licensed by the State of Ohio, which were involved in the construction, finance and sale of new homes in the State of Ohio, and which were involved in the construction, finance and sale of Plaintiffs' homes at 6288 Whitetail Run, Oakwood, Ohio and 6282 Whitetail Run, Oakwood, Ohio.

4. Upon information and belief, Defendant NVR Mortgage Finance, Inc. is a wholly owned subsidiary of NVR, Inc.

5. Representatives from Defendants acted as agents for all of the Plaintiffs in the negotiation and purchase of the properties at 6288 Whitetail Run, Oakwood, Ohio and 6282 Whitetail Run, Oakwood, Ohio, respectively, and all actions of those representatives were committed with the actual or apparent authority of Defendants.

#### COUNT I

6. Plaintiffs incorporate paragraph 1 through 4 of this Complaint as if fully rewritten herein.

7. During the negotiation and sale of the properties at and 6282 Whitetail Run, Oakwood, Ohio, respectively, Defendants, through their respective agents, operatives and/or employees, made the following intentional misrepresentations and/or deliberate omissions in communications with all of the Plaintiffs:

- a. Falsely failing to fully and adequately disclose the relationship between Defendants;
- b. Falsely informing Plaintiffs that certain incentives could be obtained only by dealing with associated entities in connection with improvements to the property; and
- c. Providing Plaintiffs with false and misleading information regarding property taxes on the property.

8. The false statements referenced above were made with the purpose of inducing Plaintiffs to purchase the properties at 6288 and 6282 Whitetail Run, Oakwood, Ohio.

9. Plaintiffs did rely on Defendants' false representations in purchasing their home at 6288 and 6282 Whitetail Run, Oakwood, Ohio, and such representations were material to their respective decisions to purchase the homes at 6288 and 6282 Whitetail Run, Oakwood, Ohio.

10. Plaintiffs' reliance on these representations caused them harm in the form of financial damage, an inability to pay for their home and emotional distress related to these financial damages.

11. Defendants' actions referenced herein further reflect a willful disregard for the rights of Plaintiffs, entitling Plaintiffs to an award of punitive damages.

WHEREFORE, Plaintiffs pray for the following relief:

- (a) As to Plaintiffs James and Vanessa Collier, damages in excess of Twenty-Five Thousand Dollars (\$25,000) in compensatory damages and Twenty-Five Thousand Dollars (\$25,000) in punitive damages, as well as attorneys' fees, costs of this action and any other relief that this Court deems just and appropriate; and
- (b) As to Plaintiffs Robert and Mary Potts damages in excess of Twenty-Five Thousand Dollars (\$25,000) in compensatory damages and Twenty-Five Thousand Dollars (\$25,000) in punitive damages, as well as attorneys' fees, costs of this action and any other relief that this Court deems just and appropriate.

Respectfully submitted,



---

WILLIAM J. NOVAK (0014029)  
SCOTT D. PERLMUTER (0082856)  
**Novak, Robenalt & Pavlik, L.L.P.**  
Tower City Center  
Skylight Office Tower  
1660 West Second Street, Suite 950  
Cleveland, Ohio 44113-1498  
Phone: (216) 781-8700  
Fax: (216) 781-9227  
wnovak@nrplaw.com  
sperlmutter@nrplaw.com

Attorneys for Plaintiffs

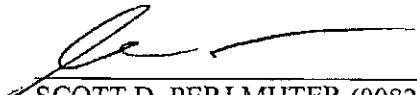
**JURY DEMAND**

A jury pursuant to Civil Rule 38(B) is hereby demanded for all issues.

  
\_\_\_\_\_  
SCOTT D. PERLMUTER (0082856)

**TO THE CLERK**

PLEASE SERVE THE DEFENDANT AT THE ADDRESS LISTED IN THE CAPTION BY  
CERTIFIED MAIL, RETURN RECEIPT REQUESTED.

  
\_\_\_\_\_  
SCOTT D. PERLMUTER (0082856)

FOLD BACK THEN TEAR OUT →

**CERTIFIED MAIL**

GERALD E. FUERST  
CLERK OF COURTS  
1200 ONTARIO STREET  
CLEVELAND OH, 44113-0000



7196 9006 4921 8316 0716



## RETURN RECEIPT REQUESTED

SHOWING TO WHOM, DATE AND ADDRESS WHERE DELIVERED

NVR MORTGAGE FINANCE INC  
C/O CSC LAWYERS INC SERVICE - S/A  
50 W. BROAD STREET STE 1800  
COLUMBUS OH 43215-0000

